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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,101	01/14/2000	Kevin J McGrath	5500-54700	7937

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EXAMINER
LI, AIMEE J

ART UNIT	PAPER NUMBER
2183	14

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/483,101	Applicant(s) MCGRATH ET AL.
	Examiner Aimee J Li	Art Unit 2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 17-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 17* is/are rejected.

7)☒ Claim(s) *2-10 and 16-22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-10 and 17-22 have been considered. Claims 11-16 are withdrawn from

consideration and cancelled as per the Applicants' request.

Claim Objections

2.   Claims 2-10 and 18-22 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being taught by James L.

Turley's Advanced 80836 Programming Techniques (herein referred to as Turley).

5.   Referring to claim 1, Turley has taught a processor comprising:

      a.   A segment register configured to store a segment selector (Turley Page 47,

Paragraph 3 and Page 63, Paragraph 4) identifying a segment descriptor (Turley

Page 48, Paragraph 1 and Page 63, Paragraph 4) including a first operating mode

indication (Turley Page 49, Table A segment descriptor; Page 50-54; and Page

57), a second operating mode indication (Turley Page 49, Table A segment

descriptor; Page 50-54; and Page 57), and one or more bits identifying a segment

described by said segment descriptor as a code segment (Turley Page 49, Table A

segment descriptor; Page 50-54; and Page 57);

b.   A control register configured to store an enable indication (Turley Page 26,

Control Register 0, element PE)

c.   Wherein said processor is configured to establish a default address size responsive

to said enable indication, said first operating mode indication, and said second

operating mode indication (Turley Page 48, Paragraph 3 and Page 178,

Paragraphs 2-3).

6.   Referring to claim 17, Turley has taught a method comprising:

a.   Establishing a default address size in a processor (Turley Page 48, Paragraph 3

and Page 178, Paragraphs 2-3) in response an enable indication in a control

register within said processor (Turley Page 176, Paragraph 1 and Page 178,

Paragraph 2-3), a first operating mode indication in a segment descriptor (Turley

Page 49, Table A segment descriptor; Page 50-54; and Page 57), a second

operating mode indication in said segment descriptor (Turley Page 49, Table A

segment descriptor; Page 50-54; and Page 57), said segment descriptor further

including one or more bits identifying a segment described by said segment

descriptor as a code segment (Turley Page 49, Table A segment descriptor; Page

50-54; and Page 57)

b.   Generating addresses of said default address size (Turley Page 52, Paragraph 2).

Response to Remarks

7.   Applicant's arguments with respect to claims 1-10 and 17-22 in regards to Turley have

been considered but are not considered persuasive.

8.   Applicants' essentially argue on pages 4-6:

> "...features not taught or suggested in Turley...'a segment register configured to
>
> store a segment selector identifying <u>a segment descriptor including a first</u>
>
> <u>operating mode indication, a second operating mode indication, and one or more</u>
>
> <u>bits identifying a segment described by said segment descriptor as a code</u>
>
> <u>segment</u>; a control register configured to store an enable indication, wherein said
>
> processor is configured to <u>establish a default address size responsive to said</u>
>
> <u>enable indication, said first operating mode indication, and said second operating</u>
>
> <u>mode indication</u>"

9.   The first operating mode indication Turley has taught is the Privilege Level (Turley Page

51, DPL), which determines the Privilege level the processor is in while operating. The second

operating mode indication is the Granularity bit (Turley Page 52, G), which determines whether

the limit field is measured in units of 1 byte or 4096 bytes while the processor is operating. The

"one or more bits identifying a segment described by said segment descriptor as a code segment"

is the Type (Turley Page 51, Type), which indicates the type of segment you are defining,

including when it is a code segment. The Applicants admit in their argument that there is an

enable indication for the default address size (Applicants' Remarks Pages 5-6).

10.   The rejection of claims 1-22 as being unpatentable over Hammond in view of Intel are

withdrawn due to claim amendments.

11.   The double patenting rejection is withdrawn due to the claim amendments focusing on

address size as opposed to operating modes.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

13.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aimee J Li whose telephone number is (703) 305-7596. The

examiner can normally be reached on M-T 7:30am-5:00pm.

15.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eddie Chan can be reached on (703) 305-9712. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular

communications and (703) 746-7238 for After Final communications.

16.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Aimee J. Li
Examiner
Art Unit 2183

May 1, 2003

EDDIE CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100